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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/883,386	06/19/2001	Son H. Lam	219.40057X00	1333

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EXAMINER	
ELAMIN, ABDELMONIEM I	

ART UNIT	PAPER NUMBER
2116	

DATE MAILED: 03/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/883,386	LAM, SON H.	
	Examiner	Art Unit	
	A Elamin	2116	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 January 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-16* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1, 4-6 and 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Natu, US. Pat. No. 5,790,850 in view Hrustich et al, US. Pat. No. 4,639,856 (*both references cited in a previous PTO-892*).

3. Claims 1, 6 and 11, Natu teaches a method of a fault resilient booting in a multiprocessor system [*title, abstract*], comprising:

designating one processor as a bootstrap processor [*Step 110 of Fig. 2A, col. 3, lines 44-45*];

testing the bootstrap processor to verify that it will run BIOS code [*col. 3, lines 48-51*];

testing during a POST the operation of said bootstrap processor [*Fig. 2A, col. 3, lines 44-50*];

testing during BIST the operation of said bootstrap processor [*Fig. 2A, col. 3, lines 54-57*];

assigning the bootstrap process to another processor if said bootstrap processor fails a test [*Fig. 2A, col. 3, lines 60-62*];

said steps being implemented in an appliance server management system [*title, abstract*].

Natu teaches determining if the testing indicates failure [*col. 2, lines 65-66, col. 6, lines 64-65*]. However, Natu fails to teach setting a latch for disabling the failed bootstrap processor if the testing indicates failure.

Hrustich teaches setting a latch disposed within a failing processor to generate an output signal which disables the failing processor [*col. 1, lines 48-53*].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Natu to include setting a latch for disabling bootstrap processor if the testing indicates failure, because if the failing processor has internal failure, it may not be able to operate properly to remove itself from the operation. Thus disabling the failing processor eliminates the problem of relying on a failing processor to perform the appropriate action to remove itself from operation.

4. Claims 4-5, 10, Natu teaches the testing steps are controlled by a controller [*abstract*].

5. Claims 2-3, 7-9, 12-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Natu, US. Pat. No. 5,790,850 in view Hrustich et al, US. Pat. No. 4,639,856 and further in view of Steiert et al, US. Pat. No. 6,122,735 (*cited in a previous office action*).

6. Claims 2, 7-9, 12 and 14, both Natu and Hrustich fail to teach a timer which indicates a failure if it is not reset within a predetermined time period.

Steiert teaches a fault resilient boot circuit [*title, abstract*], comprising a timer [*Timer 300 of Fig 2*]; which indicates a failure if it is not reset within a predetermined time period. [*abstract, col.. 3, lines 50-65*];

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Natu to include a timer which indicates a failure if it is not

reset within a predetermined time period, because it gives the BSP a chance to initialize and begin normal operation [*see Steiert, col. 3, lines 5-11*].

7. Claim *3*, Natu teaches a failure in the second or third testing steps also causes said latch to be set [*col. 2, lines 65-66*].

8. Claims *13, 15-16*, Natu teaches said first signal is generated when said bootstrap processor fails a POST or a BIST [*Fig. 2A, col. 3, lines 44-65*]; said control unit causes another processor to become the bootstrap processor [*col. 3, lines 44-65*].

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to A Elamin whose telephone number is (571) 272-3674. The examiner can normally be reached on MON-FRI 9:30 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne Browne can be reached on (571) 272-3670. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A Elamin
Primary Examiner
Art Unit 2116

March 8, 2006